

# Local Government Records Management Services

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Michigan Department of History,  
Arts and Libraries

I have to keep it how long?

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When can I get rid of it?

# Overview

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- History of Records Management Services
- Public Records
- Retention and Disposal Schedules
- Review General Schedule #17
- Record Reproduction
- E-mail Retention

# Origins

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- 1913: Michigan Historical Commission
- 1950: Little Hoover Commission
- 1951: State Office Building Fire
- 1952: Records Management Legislation
- 1954: State Records Center Opens
- 2001: Department of History, Arts and Libraries (HAL) created
- 2002: Executive Order moves RMS from DMB to HAL



# Re-organization

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- RMS moved from DMB to HAL
- Reports to the Michigan Historical Center
- Alignment of the State Archives of Michigan and the Records Management Services
- 2004: State and local government records management services are merged

# Records Management Services

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- Retention and Disposal Schedule development, review and approval
- Recordkeeping system consulting
- State of Michigan master contract administration
- Education and training
- Disaster prevention and recovery assistance
- Records Center operations (state agencies only)

# Our Customers

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- Executive Branch
- Michigan Legislature
- Judicial Branch
- Local Government



# Public Records

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The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), defines public records as recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.”

# “Nonrecord” Materials

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Broadly defined as drafts, duplicates, convenience copies, publications and other materials that do not document agency activities. A more comprehensive definition can be found in the approved schedule (available online at [http://www.michigan.gov/documents/hal\\_mh\\_c\\_rms\\_GS1\\_local\\_110758\\_7.pdf](http://www.michigan.gov/documents/hal_mh_c_rms_GS1_local_110758_7.pdf)). These materials can be disposed of when they have served their intended purpose.

# Retention and Disposal Schedules

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- Inventory of records series created and maintained by an agency
- Identify how long records will be kept
- Identify records with permanent value
- Identify when certain records can be destroyed
- Legal documents

# Agency-Specific Schedules

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- Cover records not listed on general schedules
- Records may be unique to a particular agency
- Agency must inventory and describe the records
- Agency must submit schedule for approval by the Michigan Historical Center and the State Administrative Board
- Specific schedules always supersede general schedules

# General Schedules

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- Identify records that are common to a particular function or type of agency
- Promote consistent retention practices
- Reduce duplication of effort
- Public records not listed on a general schedule must be listed on an agency-specific schedule
- General Schedule #17—Public Libraries

# General Schedule #17

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- Approved January 18, 2005
  - Board of Directors
  - Administration
  - Finance
  - Human Resources
  - Information Technology
  - Support Services
  - Programming and Publicity
  - Local History Collections
  - Library Cooperatives

# Destroying Confidential Records

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- Physical Media

- Certified Document Destruction, attention: Brian Dorosz, (800) 433-7876

- Computers

- U.S. Department of Defense “Standard Industrial Security Program Operating Manual” (DoD 5220.22-M)

# Record Reproduction

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## Standards and Best Practices



# Records Reproduction Act

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- MCL 24.401 – 24.406
- Regulates the reproduction of public records by Michigan government agencies at all levels
- Requires HAL to develop technical standards regarding
  - Microfilm
  - Digital imaging
  - Digital migration

# Standards

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- HAL promulgated the following standards (approved August 15, 2005):
  - Capture of Digital Images from Paper or Microfilm
  - Capture of Microfilm from Paper
  - Capture of Microfilm from Digital Images
- To do list:
  - Digital Migration

# Best Practice Documents

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- Expand on each standard
  - Reproduction of public records
  - Microfilming
  - Digital imaging
  - Microfilm from digital image
- Recommendations beyond the actual requirements
- Explanation of why each requirement is important

# Contracts Available

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- Microfilming
  - Document imaging
  - Microfilm and electronic media storage
  - Microfilm inspection and restoration
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- Contact Brice Sample at 517-335-9450 or via e-mail: [sampleb@michigan.gov](mailto:sampleb@michigan.gov)

# E-mail Retention

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## Issues to Consider

# E-mail Messages are Public Records?

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- E-mail is recorded information.
- All e-mail that is sent or received using government technology resources is a public record.
- All e-mail that is sent or received using personal technology resources (home computer, personal e-mail account, etc.) that supports the performance of an official function is a public record.
- Public records can only be destroyed in accordance with an approved Retention and Disposal Schedule.

# Personal Use of E-mail

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- Employees should have no expectation of privacy when using government technology resources.
- Personal use of government technology resources should be strongly discouraged.

# Examples of Retention Periods

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- Contracts are kept for 6 years after they expire.
- Personnel records are kept for up to 40 years after employment ends.
- Phone messages are often destroyed after the phone call is returned.
- Meeting notices are often destroyed after the meeting is held.



# Four Categories of E-mail

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- Record retention requirements are based upon **content**
  - Why was the record created?
  - What business function does it support?
- **Records:** Retain according to agency-specific and general schedules
- **Transitory Records:** Retain 30 days
- **Non-records:** Destroy ASAP
- **Personal:** Do not use government technology resources

# Who is Responsible for Retention?

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- **Records:** Senders are the “person of record”
- **Records:** Recipients may need the record to support business functions
- **Transitory Records:** Recipient retains until task or activity is completed
- **Non-records:** Informational copies do not need to be retained

# E-mail Retention Checklist

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Ask yourself the following questions:

- Do I need to keep this message to document my work? Is it evidence?
- Is the message string completed, or could additional messages follow that I will want to retain?
- Are the other records about this topic/issue/case kept in a hardcopy file or an electronic file?
- Is this a message that my co-workers are receiving too? Am I responsible for retention or is someone else responsible?
- Should this message be stored in a shared file? Do my co-workers need to access it?

# E-mail Storage Options

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- E-mail systems are not designed for recordkeeping
- Store e-mail messages where the other records for the business process are saved.
  - Print messages and file in a hard copy system – destroy electronic copy.
  - Save and file messages electronically.

# Storing E-mail

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- Each option has pros and cons.
- No “one size fits all” solution.
- IT and management need to select the option that fits best.
- Ensure that all employees are consistently following procedures.

# E-mail Liabilities

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- President Bush sent his last e-mail message prior to his 2001 inauguration. He told family and friends that all correspondence would become public record. He wants to prevent disclosure of “personal stuff.”
- U.S. Attorney General Alberto Gonzales is concerned that “perfectly innocent” communications could be “twisted” by administration critics. “I don’t get e-mail and I don’t send e-mail.”

# E-mail Liabilities

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- Oliver North thought incriminating e-mail messages related to Iran-Contra had been safely deleted. “Wow, were we wrong.”
- Oregon’s worker compensation insurer (a state agency) was held in contempt of court and fined over \$1 million for routinely deleting e-mail, including messages that had been requested by the public and the court.

# E-mail and FOIA

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- If a message still exists (in active accounts, on backup tapes, etc.) when a FOIA request is received, it must be evaluated by legal staff for release.
- If messages are destroyed on a regular basis, in accordance with approved Retention and Disposal Schedules, they may no longer exist when a FOIA request is received.



# E-mail and Litigation

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- Immediately cease all destruction of relevant e-mail in active accounts and on backup tapes when litigation is imminent.
- Agencies do not want to be charged with destroying evidence.

# Litigation and FOIA

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- Finding and releasing e-mail can be time-consuming and costly.
- E-mail can be retained in a lot of places, by a lot of people.
- Be organized.
- Know who has what.
- Follow a Records Retention and Disposal Schedule.
- Notify all responsible parties to stop destroying messages once a request is received or anticipated.

# Employee Responsibilities

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- Decide which messages to keep and which to destroy.
- Empty e-mail trash bins to purge deleted messages frequently.
- File the messages that are retained in an organized filing system.
- Identify which retention schedule mandates the message's retention or authorizes its destruction.

# Importance of Filing Structures

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- Computers do not require that electronic records be organized, it is the responsibility of the user.
- Filing folders, file cabinets and labels were created to organize paper documents and make them easier to find.
- Files stored on computer disks, hard drives and network servers need to be labeled and organized so people can find electronic records.

# Resources

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- Local Government Records Management and Preservation Manual
- General Schedule #17
- FAQ about General Schedules
- Standards and Best Practices for Microfilm and Digital Imaging
- State of Michigan Master Contracts
- E-mail Guidelines
- File Plan Template

# HAL can Help!

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Department of History, Arts and Libraries  
Michigan Historical Center  
Records Management Services  
(517) 335-9132

Discover your connections at  
<http://www.michigan.gov/recordsmanagement/>